

REMARKS

Claims 1, 2, 3, 5, 6, 8, 9, 10, 11, 13, 14, and 16 were rejected under 35 USC 103(a) as being unpatentable over Brodmann et al. (US Pat. No. 4,045,601). The Examiner submits that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a method comprising the steps of impregnating a colorant into a polymeric material, assembling a substrate from the polymeric material, and externally dyeing said substrate to form a final color shade on the substrate, and the other requisite components of the composition in the specific proportions as recited by the instant claims, with a reasonable expectation of success, because the broad teachings of Brodmann et al. suggest a method comprising the above mentioned steps (Paper 7, page 3).

Claims 4, 7, 12, and 15 were rejected as being unpatentable over Brodmann et al. in view of Freeman (US Pat. No. 4,902,787) under 35 USC 103(a). Freeman discloses a UV light fastness dispersed (external process) dye. Thus, the Examiner submits the combination of Brodmann et al. in view of Freeman is proper because Freeman suggests a method of impregnating a photostabilizer moiety into the dyestuffs structure to protect molecules from the destructive effects of the energy absorbed from UV light and further, both Freeman and Brodmann et al. disclose a need for UV stability and lightfastness of fabric in general (Paper 7, page 5).

In light of the newly amended claims, Applicant respectfully submits that the rejection fails to establish a prima facie showing of obviousness, since the combination of references fails to disclose expressly claimed elements or limitations of Applicant's invention. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). More specifically, Applicant has amended

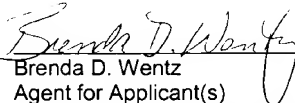
claims 1-16 to more clearly indicate that a polymeric material is internally dyed prior to formation of a structure or yarn, which is then subsequently externally dyed to form a final color shade. Applicant respectfully submits that Brodmann et al. do not teach or suggest the use of an internally dyed polymeric material to form a structure and the subsequent external dyeing of the material to form a final color shade.

Furthermore, Applicant has also amended claims 1-16 to more clearly illustrate that the addition of the UV stabilizing agent is into the polymeric material prior to the formation of the structure or yarn (i.e. an internal process). Applicant respectfully submits that Freeman does not overcome the deficiencies of Brodmann et al., as described above in reference to the independent claims, or teach or suggest the use of an ultraviolet stabilization agent within the polymeric material used in an internal/external dye process. Therefore, Applicant respectfully submits that the claimed invention is not obvious over Brodmann et al. in view of Freeman. Thus, Applicant respectfully submits that the rejection is improper and requests that the rejection of claims 1-16 be withdrawn.

In view of the above amendments and remarks, it is respectfully requested that claims 1-16 be allowed and that the application be passed to issue.

Respectfully requested,

February 24, 2003


Brenda D. Wentz
Agent for Applicant(s)
Registration Number: 48,643
(864) 503-1597

Serial No. 09/586,202**Version with markings to show changes made:**

- Claim 1 (Amended) A method of dyeing synthetic material, said method comprising the steps of:
- [impregnating] internally dyeing [a colorant into] a polymeric material with a colorant and forming a structure, said colorant providing a base color shade for said [polymeric material] structure;
- assembling a [substrate] fabric from said [polymeric material] structure;
- externally dyeing said [substrate] fabric to form a final color shade on said [substrate] fabric.
- Claim 2 (Amended) The method set forth in claim 1, wherein said step of internally dyeing said polymeric material includes [is impregnated with said colorant by means of] introducing said colorant in the polymerization process.
- Claim 3 (Amended) The method set forth in claim 1, wherein said base color shade provides between 70% and 90% of the total depth of color of said final color shade.
- Claim 4 (Amended) The method set forth in claim 1, wherein the step of internally dyeing further [including] includes the addition of [the step of impregnating] an ultraviolet stabilizing agent into said polymeric material.
- Claim 5 (Amended) A method of dyeing synthetic material, said method comprising the steps of:

[impregnating] internally dyeing [a colorant into] a polymeric material [structure] with a colorant, said colorant providing a base color shade for said polymeric material;
producing yarn from said internally dyed polymeric material; and
externally dyeing said yarn to form a final color shade thereon.

Claim 6 (Amended) The method set forth in claim 5, wherein said step of internally dyeing said polymeric material [is impregnated with said colorant by means of] includes introducing said colorant into a melt of said polymeric material.

Claim 7 (Amended) The method set forth in claim 5, wherein the step of internally dyeing further [including] includes the addition of [the step of impregnating said polymeric material with] an ultraviolet stabilizing agent to said polymeric material.

Claim 8 (Amended) The method set forth in claim 1, wherein said base color shade provides between 70% and 90% of the total depth of color of said final color shade.

Claim 9 (Amended) A [substrate] fabric treated in accordance with claim 1.

Claim 10 (Amended) A [substrate] fabric treated in accordance with claim 2.

Claim 11 (Amended) A [substrate] fabric treated in accordance with claim 3.

Claim 12 (Amended) A [substrate] fabric treated in accordance with claim 4.

Claim 13 (Amended) A [substrate] fabric treated in accordance with claim 5.

Claim 14 (Amended) A [substrate] fabric treated in accordance with claim 6.

Claim 15 (Amended) A [substrate] fabric treated in accordance with claim 7.

Claim 16 (Amended) A [substrate] fabric treated in accordance with claim 8.